IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1823 (SS) of 2005

Radhe Shayam Singh,
S/o Sri Brij Narayan Singh,
Presently residing at near Gandhi
Park Jaspur,
C/o Satish Medical Store,
Jaspur, District – Udham Singh Nagar
And nine others. **……Petitioners.**

Versus

1. State of Uttarakhand through its Principal Secretary, Labour and Welfare Department, Dehradun.
2. State Industrial Development Corporation Ltd. Uttaranchal, (SIDCUL). New Cantt Road, Dehradun.

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri A. N. Sharma, learned counsel for the petitioners, learned Standing Counsel for the respondent no. 1 and Sri Sanjay Bhatt, holding brief of Sri Pulka Raj Malik, learned counsel for respondent no. 2.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *Issue a writ order or direction in the nature of Mandamus commanding the respondent no. 2 to pay balance amount of retirel dues to the petitioners from 31.03.2001 till 31.12.2004, in accordance with the voluntary retirement scheme framed by the State of Uttarakhand vide Annexure No. 11 to this writ petition.*
2. *any writ order or direction, which this Hon'ble court may deem fit and proper in the circumstances of the case.*
3. *award the cost of the petition to the petitioners.*

The submission of the learned counsel for the petitioners is that petitioners were employees of U.P. State Textile Corporation, at Jaspur Unit and the said Textile Corporation was closed on being sick. Government of Uttarakhand vide order dated 06.12.2004 formulated Voluntary Retirement Scheme for the employees of Textile Corporation, working at kashipur and Jaspur. In pursuance to the aforesaid Government Order, petitioners has also applied for voluntary retirement and respondent no. 2 has made payment to the petitioners calculating their services upto 31.03.2001 whereas it should have been calculated upto 31.12.2004.

No counter affidavit has been filed by the respondents till date.

During the course of argument, learned counsel for the petitioners has confined his prayer that writ petition may be disposed of with a direction to respondent no. 2 to decide the representation of the petitioners annexed as Annexure No. 23 to the writ petition within stipulated time.

The prayer is innocuous. Accordingly, respondent no. 2 is directed to take decision on the representation of the petitioners annexed as Annexure No. 23 to the writ petition within a period of two months from the dated of production of certified copy of this order.

With this direction, writ petition as well as interim relief application no. 11008 of 2005 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

March 13, 2007
Sksharma